

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

DERRICK WHEATT and LAURESE)
GLOVER,)
)
Plaintiffs)
)
v.) No. 1:17-CV-377
)
CITY OF EAST CLEVELAND, et al.)
) Judge James S. Gwin
)
Defendants.)

**PLAINTIFFS' OPPOSITION TO EAST CLEVELAND
DEFENDANTS' MOTION FOR LEAVE TO FILE SURREPLY**

Now come Plaintiffs, Derrick Wheatt, Laurese Glover, through their attorneys, Loevy & Loevy, and hereby file their Opposition to the East Cleveland Defendants' Motion for Leave to File a Surreply on Plaintiffs' Motion for Sanctions.

1. The East Cleveland Defendants now seek to file a surreply in response to Plaintiffs' Motion for Sanctions (Dkt. 103). Dkt. 116. Quite simply, Defendants' Motion has no merit.

2. First, their proffered reason for needing to file a surreply is because they have now decided to take the (meritless) position that there never was a 1998 public records request submitted to the City of East Cleveland. *See* Dkt. 116. This is not only contradicted by deposition testimony of several witnesses, including Defendant Deborah Naiman, who testified quite extensively about what she did to stop the City from producing any records in response to the 1998 public records request submitted to the City, but the fact of a 1998 public records request has

already been admitted by the East Cleveland Defendants. *See* Dkt. 21 (Answer of East Cleveland Defendants) ¶ 136; *see* Dkt. 1 (Compl.) ¶ 136.

3. Second, this is a new argument that the East Cleveland Defendants could have made earlier in their response to Plaintiffs' Motion for Sanctions, but they failed to. Plaintiffs argued nothing new in their Reply. Dkt. 114.

4. Thus, the Court should deny the East Cleveland Defendants leave to file a Surreply. Plaintiffs' Motion for Sanctions has been fully briefed and should be granted, for reasons articulated in previous filings.

Respectfully submitted,

By: s/ Elizabeth Wang

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CERTIFICATE OF SERVICE

I, Elizabeth Wang, an attorney, hereby certify that on October 25, 2017, I served via CM/ECF the foregoing Plaintiffs' Opposition to East Cleveland Defendants' Motion for Leave to File Surreply.

s/ Elizabeth Wang
Attorney for Plaintiff

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(f), I hereby certify that the foregoing Memorandum complies with the 15-page limitation for memoranda relating to a non-dispositive motion in a case assigned to the Standard Track.

s/ Elizabeth Wang